

REMARKS

Claims 1-18 are all the claims pending in the application.

I. Preliminary Matters

Applicant notes that the Examiner did not return the initialed PTO/SB/08 submitted with the Information Disclosure Statement filed July 16, 2007. Therefore, Applicant requests the Examiner initial and return the PTO/SB/08.

II. Overview of the Office Action

Claims 1-16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Loui (U.S. Patent Application Publication No.: US 2003/00724860 in view or Ishiguro (U.S. Patent No. 5,053,831).

Claims 17-18 are objected to as being dependent on the rejected based claim. Allowable subject matter is indicated in these claims.

III. Prior Art Rejections

Claims 1-16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Loui (U.S. Patent Application Publication No.: US 2003/00724860 in view or Ishiguro (U.S. Patent No. 5,053,831).

1. Loui does not teach or suggest performing a layout processing of the image data in the same order as it has been sequentially obtained

The Examiner contends that Loui discloses this limitation and points out the obtained pictures shown in Fig. 1 in order 1-7. The Examiner further states that “the events are captured sequentially, for instance, the arrival to picnic, playing soccer, having lunch, and so forth.” (See Office Action, page 2, lines 6-8).

Loui discloses grouping the images into events according to certain logical criteria. (Paragraph 5). An album 32 is organized in a sequence of album pages 34 (e.g., pages 1 . . . 7 in FIG. 1). Albuming software segments the input pictures 36 into a sequence of events which are identified in FIG. 1 as event 1, event 2 and event 3. Each event includes a sequence of album pictures that the albuming software has determined to be related. (Paragraph 21). Therefore, Loui

clearly teaches albuming software which sorts through the pictures and organizes pictures by events. Loui does not teach or suggest performing a layout processing of the image data in the same order as it has been sequentially obtained. At best, Loui describes performing a layout for the image data that is sorted out and organized based on certain criteria. Moreover, items 1-7 of Fig. 1 represent pages of the album. Pages of the album are not images as the Examiner contends. (*See* Office Action, page 2, lines 6-7). Additionally, item 34 of Fig. 1 of Loui does not represent a sequence of images or images themselves, as also contended by the Examiner (*See* Office Action, page 3, item #3), but the album pages. To the extent that the album pages include images, a sequence of album pages is not a sequence of images as obtained.

Finally, Applicants carefully reviewed the entire Loui and did not find a single mentioning of any of “picnic”, “soccer” or “lunch” as asserted by the Examiner to represent a captured sequence of images. (*See* Office Action, page 2, lines 7-8). Therefore, Applicants respectfully request the Examiner point out where exactly Loui discloses a sequence of taking pictures of “picnic”, “soccer” and “lunch.” Absent such support, there is no teaching of the sequence as claimed.

2. Loui does not teach or suggest performing a layout processing by positioning as many images as possible on a maximum size of sheet of a plurality of predetermined sizes of sheets

Loui describes the page layout module which groups all pictures from a single event together, using the smallest number of pages that satisfies the user's limit on the maximum number of pictures that may appear on a page. (Paragraph 43). Therefore, Loui teaches a maximum number of images to be disposed on a single page to be selected by a user. The smallest number of pages is then determined to satisfy the user's selection criteria. Loui does not teach or suggest performing layout onto a maximum predetermined page size, onto which the sequentially captured images can fit.

3. Ishiguro does not teach or suggest automatically selecting from among the plurality of predetermined sizes of sheets a minimum size of sheet capable of recording the whole images

The Examiner contends that Ishiguro teaches selecting from among the plurality of predetermined sizes of sheets a minimum size of sheet by describing the operator selecting the size of the sheet. (*See* Ishiguro, col. 5, line 50). Therefore, according to such Examiner's

interpretation, the selection of the size of the paper is done in Ishiguro manually, and not automatically as claimed in claim 1.

The Examiner's reliance on Col. 1, lines 44-64, is also defective because the selection of a page is based on a magnification of a (single) original on a single sheet. In contrast, claim 1 describes editing as many images as possible. Therefore, the paper selection in Ishiguro is based on criteria other than what is claimed.

Ishiguro discloses two modes: the automatic magnification selecting mode (AMS) and the automatic paper selecting mode (APS). In the AMS mode, the most suitable copying magnification rate is automatically set based on the size of the original and on the size of the sheet selected by an operator. Sheets of paper having the same size are fed. In the APS mode, a paper feeding portion is automatically selected based on the size of the original and on the copying magnification rate selected by an operator. Sheets of different sizes may be fed. (Col. 5, lines 41-64).

Therefore, in the AMS mode, the size of the sheet is selected by the operator based on the automatic magnification and all of the sheets are of the same size. In the APS mode, the paper size is automatically selected based on the magnification selected by a user. In both modes, the paper size is selected to have an image copied from an original as a whole at a given magnification rate. However, Ishiguro does not teach or suggest arranging as many images as possible on a maximum paper size and then, after editing, selecting a minimum paper size to fit in these images. Ishiguro selects the paper size based on the magnification selected by a user for a single original image which needs to be reproduced.

Additionally, Ishiguro does not teach or suggest automatically selecting from among the plurality of predetermined sizes of sheets a minimum sheet size capable of recording the whole images, as claimed in claim 1. At most, Ishiguro teaches selecting a sheet size, which is not the minimum sheet size.

4. A combination of Loui and Ishiguro will render Loui unsatisfactory for its intended purpose

Loui is directed to creating a photo album. It is within a general knowledge that pages of the photo album are of the same size. Ishiguro teaches to automatically select a paper size based

on the image magnification as selected by a user. Therefore, if Loui is modified with Ishiguro, the pages of Loui would be of different sizes. Thus, Loui will become unsatisfactory for its intended purpose, e.g., to create a photo album. One, skilled in the art, would not have looked to Ishiguro to modify Loui.

Accordingly, because a proposed combination of Loui and Ishiguro will render Loui unsatisfactory for its intended purpose, there is no teaching, motivation or suggestion to combine Loui and Ishiguro.

In addition, the Examiner has not rebutted any of the arguments previously submitted that the combination is improper.

In conclusion, because neither Loui, nor Ishiguro, taken singularly or in combination, teaches or suggests at least “a data editing section for performing a layout processing that images represented by the image data sequentially obtained by said data obtaining section are disposed in order of obtaining of the image data as many as possible on a maximum size of sheet of a plurality of predetermined sizes of sheets, and a sheet selection section for automatically selecting from among the plurality of predetermined sizes of sheets a minimum size of sheet capable of recording the whole images represented by image data edited by said data editing section,” and also because there is no teaching, suggestion or motivation to combine Loui and Ishiguro, **claim 1 and dependent claims 2-4 and 13-16** distinguish patentably and unobviously over Loui and Ishiguro.

Claim 5 recites features similar to, although not necessarily coextensive with, the features argued above with respect to claim 1. Therefore, arguments presented with respect to claim 1 apply with equal force here. For at least substantially analogous exemplary reasons, therefore, **claim 5 and dependent claims 6-8** distinguish patentably and unobviously over Loui and Ishiguro, taken singularly or in combination.

Claim 9 recites features similar to, although not necessarily coextensive with, the features argued above with respect to claim 1. Therefore, arguments presented with respect to claim 1 apply with equal force here. For at least substantially analogous exemplary reasons, therefore, **claim 9 and dependent claims 10-12** distinguish patentably and unobviously over Loui and Ishiguro, taken singularly or in combination.

CONCLUSION

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


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23373

CUSTOMER NUMBER

Date: November 13, 2008


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